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TOWNSEND and TOWNSEND and CREW LLP

By: Cindy S. Morton

PATENT  
Attorney Docket No.: 022395-004330US  
Client Ref. No.: 8001X1C1X1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* application of:

Peter J. Hartmaier, *et al.*

Application No.: 09/973,479

Filed: October 8, 2001

For: MOBILITY EXTENDED TELEPHONE  
APPLICATION PROGRAMMING  
INTERFACE AND METHOD OF USE

Customer No.: 46670

Confirmation No. 5315

Examiner: Meless Zewdu

Art Unit: 2617

**DECLARATION UNDER 37 C.F.R.  
§ 1.132**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. We, Peter J. Hartmaier and William E. Gossman, declare as follows:
2. Each of us has been employed at Openwave Systems, Inc., in Redwood City, California beginning July 1, 1997. We are the named and true inventors of the subject matter disclosed and claimed in the above-referenced application, and the only inventors thereof.
3. The Examiner rejected claims 20, 22 and 26 of the application under 35 U.S.C. § 102(a) as anticipated by Arneson *et al.*, in U.S. Patent Publication No. 2001/0056473 A1 (referred to herein as "Arneson"). It is our understanding that the Examiner characterizes Arneson as disclosing: a method for providing information to users via communications devices associated with said users (title, abstract), the method comprising the steps of: receiving a digits request trigger/indicator from a communication device (fig. 2, paragraph 0015), wherein the

digits request trigger is a signaling message that is associated with a call set-up process (paragraph 0015), the digits request trigger comprising dialed digits or a feature code (paragraphs 0015, 0026 and 0027), whereby a communications network attempts to establish a call connection between a user that initiates the digits request trigger and a called number associated with said dialed digits or feature code (paragraphs 0015 and 0025-0027); identifying a user associated with said digits request trigger (paragraph 0016); correlating said digits request trigger with specific information requests for said user (paragraphs 0015, 0017 and 0025); retrieving said specific information (fig. 2, element 206; paragraphs 0015 and 0027); and sending said retrieved information to said communication device for display to said user (fig. 2, paragraphs 0030, 0031 and 0037). The Examiner alleges that in view of these passages, claims 20, 22 and 26 are anticipated.

4. To the extent that the cited passages of Arneson disclose the subject matter claimed in claims 20, 22 and 26 of the present application, we had possession of the invention before the filing date of the Arneson patent application, May 11, 2001.

5. As evidenced by the green paper entitled "The Relationship of Mobile Data and WIN applications" (Appendix A), we had possession of the invention as early as December 30, 1997. This green paper does not qualify as a printed publication under §2128 of the Manual of Patent Examining Procedure. Peter Hartmaier is identified as the author, but the applicable portion of the document relating to claims 20, 22 and 26 of the present invention includes the invention as conceived by both Peter Hartmaier and William Gossman. Specifically, page 6 describes the invention as recited in claims 20, 22 and 26 of the present application.

6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Dated: JAN 10, 2007



Peter J. Hartmaier

Dated: \_\_\_\_\_



William E. Gossman

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PATENT

Dated: \_\_\_\_\_  
Peter J. Hartmaier

Dated: 11/10/07  
  
Peter J. Hartmaier

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